UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/C.12/1995/SR.44
4 December 1995

Original: ENGLISH

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Thirteenth session

SUMMARY RECORD OF THE 44th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 29 November 1995, at 10 a.m.

Chairperson: Mr. GRISSA

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GE.95-19816 (E)

The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 4) (continued)

Third periodic report of Ukraine (E/1994/104/Add.4; E/C.12/1995/LQ.3/Rev.1)

1. At the invitation of the Chairperson, Mr. Kaskevich, Mr. Slipchenko, Mr. Nadtochiy, Mr. Shamshur, Ms. Krzhevina, Mr. Semashko and Mr. Zozulia (Ukraine) took places at the Committee table.

Article 3: Equality between men and women (Issues Nos. 13-14) (continued)

2. The CHAIRPERSON invited the Ukrainian delegation to answer questions concerning article 3 that had been left pending at the close of the previous meeting.

3. Mr. KASKEVICH (Ukraine) said that a misunderstanding appeared to have arisen at the previous meeting in connection with issue No. 13, as a result of the differing approaches adopted by his delegation and by some members of the Committee with regard to the question of employment of women. His colleague, Mr. Nadtochiy, would provide additional statistics in connection with article 3, but he first wished to cite one figure which to some extent refuted those members' differing view. The fact that women comprised 54 per cent of the population but 56 per cent of the employed population illustrated their place in the labour market and the efforts being made to provide them with suitable jobs.

4. Mr. NADTOCHIY (Ukraine) said that, out of a total population of 51,728,000, 29.4 million, or 56.4 per cent, were of working age; 11.5 million, or 22.2 per cent, were unemployable, which included such persons as pensioners and persons unfit to work; and 10.08 million, or 21.1 per cent, were children under the age of 16. The figures for those of working age and the unemployable or unfit to work were 56.7 per cent and 43.3 per cent respectively.

5. Mr. WIMER ZAMBRANO said it was clear from the figures provided that women played a very active role in employment in Ukraine. Yet the figures did not indicate the types of work in which they were engaged. It was difficult to ascertain the role played by women in areas such as government, the private sector or social and political life. Could the Ukrainian delegation provide a rough estimate of the number of women occupying key posts - as ministers or members of Parliament, for example?

6. Mrs. JIMENEZ BUTRAGUEÑO, reverting to the information provided in written replies to additional questions, said that the figure of 11.5 million seemed extremely high. Did that include groups such as children, the elderly and the disabled?

7. Mrs. BONOAN-DANDAN said she was not fully convinced by the Ukrainian delegation's earlier assertion that the figures for unemployment among women should be looked at from a different standpoint. She particularly urged the delegation to set the tone of the dialogue on the whole issue of women, by commenting comprehensively on the country report's affirmation that there was poor understanding of the meaning of discrimination against women, as there was no widespread women's rights activity.

8. The CHAIRPERSON suggested that, as figures were difficult to assimilate when cited orally, any detailed statistics that were requested should be submitted to the Committee in writing, if necessary at a later meeting.

9. Mr. KASKEVICH (Ukraine), responding to Mr. Wimer Zambrano's question, said that three ministers in the Ukrainian Government were women and that a significant number of women were deputy ministers, or chaired committees. More than half the staff of the various ministries and departments were women. Unfortunately, matters were less satisfactory with regard to participation in Parliament. Of a total of 450 members of Parliament, 400 of whom had now been elected, only about 20 were women, a proportion that was clearly inadequate. None the less, the Government should play a cautious role in that regard, since elections were a matter for the discretion of the electorate. The Government saw its role as one of creating favourable conditions in which women's groups could flourish, so that, having acquired a better understanding of the developing role of women in society, the electorate would then vote in more women members of Parliament.

10. Turning to Mrs. Bonoan-Dandan's remarks, he said that, as stated the previous day, the proportion of women among the unemployed had fallen from 90 per cent to 70 per cent. It was true that hidden unemployment also affected a significant proportion of women. However, hidden unemployment was first and foremost a sectoral rather than a gender problem. For example, it affected sectors such as the military-industrial complex that was now being restructured and converted to non-military ends following the collapse of the Soviet Union. Another example was the textiles sector, which was experiencing difficulties as a result of the high cost of importing raw materials from abroad. It was true that most employees in that sector were women. The State had nevertheless found the resources to allocate credits for the purchase of raw materials, thereby fostering employment in that sector.

11. Mr. NADTOCHIY (Ukraine) said that the "unemployable" (netrudosposobny) category comprised children under the age of 16, certain categories of disabled persons, and women over the age of 55 and men over the age of 60. The figure of 11.5 million cited by Mrs. Jiménez Butragueño referred to the latter group, in other words, to persons over working age. Pensionable or retirement age in Ukraine was currently 55 for women and 60 for men - far lower than in most other countries. The question of raising the retirement age was now under discussion and a decision would be taken by Parliament in due course.

12. Mrs. BONOAN-DANDAN said she had not received an answer to the second part of her question. She reiterated her request for a comprehensive comment on the allegation that there was poor understanding in Ukraine of the meaning of discrimination against women, as there was no widespread women's rights activity.

13. Mrs. JIMENEZ BUTRAGUEÑO asked whether consideration was being given to setting the same retirement age for women and for men. A lower retirement age was a disadvantage for women.

14. The CHAIRPERSON, speaking as a member of the Committee, said that Mrs. Jiménez Butragueño's assertion was debatable. In many countries, women actively preferred to retire early.

15. Mr. KASKEVICH (Ukraine) said that no State programme to eliminate discrimination against women existed at the present time. However, over the past two years a government committee on women's issues had drawn up a programme, including provisions contained in the final document of the World Summit for Social Development, in which pride of place was given to the elimination of discrimination against women. The decisions and recommendations of the government committee had been incorporated in a State programme to eliminate discrimination against women, which had been approved and would now be implemented.

16. Consideration was being given to gradually raising the retirement age to 65 for men and 60 for women, or to 65 for both. It was for Parliament to take the final decision. However, it was important to try to understand the mentality of people who had lived most of their lives in a socialist society and frankly aspired to early retirement and a State pension.

III. Issues relating to specific rights recognized in the Covenant

Article 6: Right to work (Issues Nos. 15-17)

17. Mrs. VYSOKAJOVA cited figures concerning the representation of Crimean Tatars in the public service sector. Why were the figures so low and why was the level of unemployment among them considerably higher than among other population groups?

18. Mr. ADEKUOYE asked the Ukrainian delegation to describe the circumstances in which forced labour was prescribed, other than by a court sentencing a citizen to imprisonment. Again, certain jobs were reserved for specific categories of citizens, but how, in a rapidly changing society in which many enterprises were being privatized, was the private sector persuaded to employ those categories of persons? Lastly, reverting to paragraph 33 of the third periodic report (E/1994/104/Add.4), concerning the question of passports and residence permits, he asked whether steps had been taken to remove that restriction on the right to choose a place of work, and if not, when the necessary steps would be taken.

19. Mr. TEXIER said he, too, would like to know the reasons for the high degree of unemployment among Crimean Tatars and their poor representation in the public service. On a more general matter, he noted that the figure given

for unemployment in 1992 and 1993 was only 0.3 per cent, a rate that seemed very low, especially in view of the economic difficulties acknowledged elsewhere in the report. Was that the true rate, or were groups such as those in training and retraining schemes included in the employment figures?

20. Mr. AHMED said that, in his correspondence with the Minister for Foreign Affairs of Ukraine, the High Commissioner for National Minorities of the Organization for Security and Cooperation in Europe (OSCE) had noted that Tatars who had returned to the Crimea were still unable to obtain Ukrainian citizenship. The Committee's own documentation showed that, out of 250,000 Tatar returnees, 75,000 had not yet been granted citizenship. That state of affairs had two consequences: first, it deprived 75,000 Tatars of the opportunity to work; secondly, the fact that, being technically non-citizens, they were excluded from the unemployment statistics, cast doubt on the veracity of those statistics. What legislative measures were being taken to remedy that state of affairs? Such measures need place no additional financial burden on the Government.

21. Mrs. BONOAN-DANDAN asked whether the laudable additional guarantees for able-bodied citizens of working age who were in need of social protection and unable to compete on equal terms in the employment market, referred to in paragraph 16 of Ukraine's written replies, included non-citizens. The "young people who had completed their studies at schools of general education or vocational training institutions" accounted for what percentage of the population? How many of the 280,600 posts reserved for that category of citizens had actually been filled, and how many of them by women and by non-citizens, including Crimean Tatars? Could more information be provided on the successes and failures of the job reservation scheme and on the penalties for non-compliance? For instance, how many enterprises or organizations had failed to comply in 1994?

22. Mr. CEAUSU said he joined with Mr. Adekuoye in asking about forced labour and the cases in which it was permitted. Referring to paragraph 17 of the written replies and the information about the Employment Act, said it was gratifying that previous legislation imposing penalties on individuals who refused work had been repealed. Job-seekers were now required to register with the State Employment Service to be eligible for unemployment benefits. The figure given for the number of registered unemployed was very low. Might there not be some residual apprehension among the unemployed about registering with the Service for fear of penalties? Were people aware that the previous legislation had been abolished and that they were now free to choose their employment?

23. Mr. KASKEVICH (Ukraine) said that he was unaware of the source of the figures quoted by Mrs. Vysokajova. They were not official figures. The simple explanation for the poor representation of Crimean Tatars in law enforcement agencies, courts or the Prosecutor's Office was that those bodies which had existed and been fully staffed for some time, required personnel with long experience and practice, whereas the Crimean Tatars had only recently returned to the country. The Crimean Tatars, like others, were fully entitled to employment in those bodies and their representation would gradually increase as and when posts became vacant.

24. The first point he wished to make in reply to Mr. Ahmed's comment that 75,000 Crimean Tatars did not have citizenship and were therefore unable to work was that no one prohibited them from acquiring Ukrainian citizenship. Secondly, it must be made clear that there was nothing to prevent citizens of one of the former republics of the Soviet Union from freely choosing to work in another of the CIS States. Indeed, there were inter-State agreements to that effect, providing for effective labour guarantees. For all that the massive influx of returnees to Crimea, where available jobs were already filled, did raise a problem in terms of employment opportunities. The State was addressing the issue of employment and job creation by a State-financed programme monitored by the Government and by representatives of recognized Crimean Tatar community bodies.

25. Replying to Mr. Ceausu, he confirmed that the registered number unemployed was 181,000. People were not afraid to register as unemployed. The fact was that, only four years into the restructuring process, the vast majority of the large- and medium-sized enterprises were still State-owned and continued to employ a massive workforce. Changes in the pattern of property ownership, with privatization, would certainly result in lay-offs of staff in the future, a problem that the State was tackling with its employment programmes, which included long-term strategies, reaching out to the smallest territorial units.

26. Mr. SLIPCHENKO (Ukraine) said that the issue of employment opportunities and assistance concerned not only the Crimean Tatars - who included not only the 250,000 who had already returned but also an equivalent number of persons who had expressed the wish to return - but also the many thousands of members of other groups needing State assistance. Ukraine could not bear the burden alone. The scope of the problem, and its full implications, went beyond Ukraine's borders and called for more active and serious international cooperation; hence the appeal by the Government of Ukraine to international organizations and United Nations programmes and also to the Organization for Security and Cooperation in Europe (OSCE) for assistance in finding a solution. A positive response had been forthcoming from the international community, demonstrating its understanding of the importance of the issue in terms of the stability of the region. Ukraine's efforts in setting up the necessary services and infrastructure called for substantial funding and technical expertise and he hoped that the open policy of cooperation with all donors, whether international, State or private agencies, would bear fruit.

27. Mr. NADTOCHIY (Ukraine) said that the only cases in which forced labour was permitted under Ukrainian law were in the event of natural disasters and by virtue of certain penalties associated with a court sentence. The job reservation scheme was applicable to both State-run and privately owned enterprises and sanctions were imposed on any enterprises that did not comply. Under the new labour laws, identity and residence papers were not required for employment; their only function was to register citizens, although the system might be reformed in the future. In the case of guarantees for able-bodied citizens of working age in need of social protection and unable to compete on equal terms in the employment market, including women and children, non-compliance by enterprises entailed economic sanctions. He assured Mrs. Bonoan-Dandan that figures would be provided at a later stage.

28. Mr. AHMED, commenting on the reply that no one was preventing the 75,000 Crimean Tatars from acquiring Ukrainian citizenship, pointed out that citizenship was granted by the Ukrainian Government, something which prompted him to ask why it had not done so. The exchange of correspondence between the OSCE High Commissioner for National Minorities and the Minister for Foreign Affairs of Ukraine had touched, inter alia, on the acquisition of Ukrainian citizenship by Crimean Tatars. The High Commissioner had said that he was aware of the Government's efforts to improve the situation of the Crimean Tatars and of the difficult economic situation hampering those efforts, agreeing that the situation clearly called for international assistance, but recommending that the Crimean Tatars should be associated with decisions on the use of any funds made available for that purpose.

29. Mr. KASKEVICH (Ukraine) said he endorsed Mr. Ahmed's comments but would reiterate his affirmation that no one was prohibiting the acquisition of Ukrainian citizenship by the Crimean Tatars. The difficult economic situation of the Crimean Tatars, and specifically the difficulty in creating jobs, was another aspect of the problem and he was grateful to the international community for its assistance in promoting employment programmes, which would be implemented in consultation with Crimean Tatar community organizations. One of the many obstacles to the acquisition of Ukrainian citizenship was that most of the returning Crimean Tatars came from Uzbekistan and, whereas the Uzbek Constitution stipulated that no one could renounce Uzbek citizenship, the Ukrainian Constitution made no provision for dual citizenship. Negotiations were under way to enable the two Governments to settle the matter. The concern of Ukraine to find a solution to the problem was such that the President of Ukraine had recently proposed that the issue of the Crimean Tatars and of conflicting legislation in the former republics of the Soviet Union be discussed by the CIS States. He reaffirmed the Government's good will and determination to solve the problem.

30. The CHAIRPERSON, speaking as a member of the Committee, said he fully appreciated that the major upheavals that had been taking place in Ukraine in the few years since independence and expressed the hope that, with time, Ukraine would overcome its difficulties and endeavour to improve the situation of the most vulnerable groups, including the Crimean Tatars.

Article 7: Right to just and favourable conditions of work
(Issues Nos. 18-20)

31. Mr. NADTOCHIY (Ukraine) added to the information provided in the written replies that the Remuneration Act adopted in 1995 introduced a mechanism for setting the minimum wage. The mechanism was based on negotiations within a tripartite commission, which submitted proposals to Parliament for adoption. Negotiations under that mechanism were currently under way.

32. Mr. TEXIER asked for more details of the content of the draft Industrial Accident and Occupational Disease Insurance Act. What was the policy for the prevention of accidents in the workplace and what penalties were imposed on heads of enterprises or persons responsible for occupational safety in an enterprise who were found to be at fault? Could criminal penal proceedings be instituted against those persons and could the courts order an enterprise to be closed until the necessary safety standards were introduced?

33. The CHAIRPERSON, speaking as a member of the Committee and referring to the data provided in paragraph 46 of the third periodic report (E/1994/104/Add.4) on changes in the minimum wage, said that he understood that the difference between the minimum wage fixed and that actually paid was due to the rise in prices. However, in order to assess the trend in purchasing power, i.e. at constant prices, he would welcome comparative data on wages and inflation.

34. Mr. KASKEVICH (Ukraine), replying to Mr. Texier's question, said that, with the adoption of a law on occupational safety and health two years ago, all issues relating to protection in the workplace were now embodied in a single, clear system. The provisions of the law had been subject to prior approval by ILO, all of whose recommendations had been taken into account. As a follow-up, the Government was now finalizing a State system of inspection in matters of occupational safety and health and the working environment. Inspectors could order the closure of enterprises and impose fines for non-compliance with safety regulations.

35. Mr. NADTOCHIY (Ukraine) said that new legislation under preparation would provide for accident insurance to protect workers. Hitherto, in Ukraine companies had been liable for compensation for employees who had been the victims of accidents at work. With the advent of private enterprise and the proliferation of different types of companies, it was feared that workers would no longer be afforded sufficient protection, particularly if an enterprise went bankrupt. The new legislation would require entrepreneurs to contribute to an insurance fund for the payment of compensation, as necessary. Expanding on the explanation given regarding the inspection of workplaces, he said that inspectorates were operating in all regions of Ukraine and were entitled to impose sanctions. Such matters were also dealt with by the courts of law.

36. As to the relationship between the cost of living and the official minimum wage, in 1993 inflation had hit a record high and prices had risen by 10,000 per cent, due in the main to external factors such as the enormous increase in the price of fuel, which had had an impact on the cost of all consumer goods. Although the Government had adopted certain measures to ensure a minimum basic wage and pensions to those in greatest need, it had been unable to keep pace with the rate of inflation: for each price rise of 1 per cent, the minimum wage had been increased by 0.8 per cent. At the beginning of 1995 the inflation rate had been 24 per cent a month. It now stood at 9.4 per cent and, hopefully, would have been significantly reduced by the end of the year. In 1995 the real income of the population had increased by approximately 7 per cent so far. New legislation would regulate the procedures and mechanisms for reviewing the minimum wage and a tripartite commission had been set up to look into the matter. It was a complex issue, since account had to be taken of the need to avoid further unemployment yet ensure an adequate minimum wage. The tripartite Commission would shortly be submitting proposals to Parliament for final consideration.

37. Mr. GRISSA asked the delegation to provide the Committee with written information on price trends over the past few years so as to allow for a proper assessment of the purchasing power of Ukrainian citizens receiving the minimum wage.

38. Mrs. JIMENEZ BUTRAGUEÑO stressed the importance for the Committee of statistics on a number of issues relating to the current period of transition in Ukraine. They would enable the Committee to assess the success of reforms and keep pace with developments when it came to consider the next periodic report from Ukraine.

Article 8: Trade union rights (Issues Nos. 21-24)

39. Mr. THAPALIA said that, under new legislation that was to be introduced, the rights relating to the formation and membership of trade unions in Ukraine would be more extensive than in many European countries. None the less, he wondered whether such rights extended to military and security forces personnel. He would also welcome more information on the procedure for the registration of trade unions and the right to strike. Lastly, he inquired whether the present economic situation in any way curtailed full enjoyment of such rights.

40. Mr. GRISSA asked for clarification of the statement in paragraph 64 of the report (E/1994/104/Add.4) to the effect that current legislation did not permit strikes where they created a threat to human life or health at, inter alia, transport, civil aviation and defence enterprises.

41. Mr. CEAUSU said that, according to the written replies, the largest of the 15 trade union federations in Ukraine was the Federation of Trade Unions of Ukraine, which had about 21 million members. He understood that it was a legacy of the previous regime. In other countries, including Romania, such trade unions had been abolished along with the Communist Party. He wondered whether Ukraine had encountered any problems in connection with assets belonging to such trade unions and, if so, how they had been resolved. In Romania, claims to property belonging to the former official trade unions had been the subject of lengthy disputes and not all were satisfied with the outcome. Lastly, were the representatives of any trade unions other than the Federation of Trade Unions of Ukraine included in the Ukrainian delegation at International Labour Conferences?

42. Mr. KASKEVICH (Ukraine) said the law ensured that no restrictions were imposed on the organization of trade unions. All decisions on their establishment and on meetings were settled by the trade union members themselves. Although trade unions were obliged to inform the Government of their establishment, the State laid down no special conditions about registration. In his opinion, the present economic situation did not infringe the rights or adversely affect the activities of trade unions. On the contrary, when times were hard people were more inclined to fight collectively for their rights. That probably explained the increase in the number of trade unions and the changes in their programmes. As long as the methods adopted to achieve certain goals were in conformity with the law, the State did not interfere in the internal affairs of trade unions.

43. He confirmed that trade unions rights had been extended to all military personnel and staff employed in the defence industries, resulting in the establishment of new trade union associations. As to restrictions on the right to strike, the legislation governing the settlement of collective labour disputes was still that of the former Soviet Union. Parliament would soon

complete its consideration of draft legislation on the subject, which was quite different in scope in that it imposed far fewer restrictions on the right to strike and only in relation to a few vital specialized occupations, including the armed forces and ambulancemen.

44. Unlike Romania, in Ukraine the official trade unions of the previous regime, which had allegedly toed the party line, had not been disbanded. However, conditions had been created for their transformation. Several months after the dissolution of the Communist Party, the leadership of the Federation of Trade Unions of Ukraine had changed completely. Furthermore, the way had been opened for the creation of new trade union associations. Indeed, the trade union situation in Ukraine was changing swiftly. The figure of over 21 million given in the report for the membership of the Federation of Trade Unions of Ukraine was now significantly lower. The reorganization and democratization of the trade union movement was thus well under way. The Government had not laid any claim to the considerable property belonging to the official trade unions. Assets could be transferred from one trade union to another with the agreement of the majority of members. For instance, if a sanatorium had been built for the workers of a particular trade union and they had subsequently joined a new trade union, the property would be transferred to the new union.

45. In accordance with the Constitution of the International Labour Organization, the delegation to the annual International Labour Conference was mainly composed of and headed by the most representative trade union organization in Ukraine, namely the Federation of Trade Unions of Ukraine. However, members of other trade union associations were represented at that conference and other international forums. The Government was pursuing a policy that would ensure further democratization of the trade union movement in that connection.

Article 9: Right to social security (Issues No. 25-28)

46. Mrs. JIMENEZ BUTRAGUEÑO said the information contained in paragraphs 68 to 70 of the report (E/1994/104/Add.4) implied that, under the social security system in Ukraine, civil servants and military personnel were entitled to considerable privileges and a better pension than other workers. Such a clear-cut distinction was not drawn in European countries such as Spain, where the retirement age was the same for employees in the public and the private sectors. What exactly was meant by the term "socially useful work" used in paragraph 70? Was greater equality in such matters expected following the enactment of the Pension Insurance Act of Ukraine which was currently under preparation.

47. Mr. AHMED observed that the new Constitution of Ukraine guaranteed aliens resident in Ukraine the same rights as Ukrainian citizens, with the exception of the right to participate in elections. Were aliens also allowed to take advantage of social security benefits and free medical care?

48. Mr. GRISSA, referring to paragraph 83 of the report, inquired what provision was being made to compensate victims of the Chernobyl disaster for, inter alia, the loss of property and the ability to work.

49. Mr. KASKEVICH (Ukraine) said that Mrs. Jiménez Butragueño had raised a very pertinent point, for it was true that under the previous regime the social security system had provided a wide range of benefits for certain sectors of the population, including so-called personal merit pensions or pensions for services rendered. Some of those privileges had been retained under the new system, for instance for members of the armed forces and employees of the Ministry of the Interior, in line with the policy of other former Soviet republics. For the sake of political stability in Ukraine, it was not deemed wise to dispense with such privileges unilaterally. As in other European countries, civil servants also enjoyed certain privileges, upon completion of 10 years' service. Likewise judges and public prosecutors were entitled to special pension benefits. It was hoped that the overhaul of the social security system based on new laws relating inter alia to unemployment benefits, pensions and medical insurance would be fair. It should be emphasized that the whole process of reform was expected to take up to 10 years on account of the restructuring and new legislation required. In that connection, international cooperation was proving invaluable, particularly that of Germany with regard to legislative reforms.

50. In response to Mr. Ahmed's query, he pointed out that the new Constitution was still being prepared, although some amendments had been made to the instrument currently in force. It was hoped that the new Constitution would provide for greater democracy in Ukraine. However, the current Constitution made no distinction between Ukrainian nationals and aliens with regard to social security benefits and welfare services. Anyone who fell seriously ill on the territory of Ukraine could be operated on free of charge.

51. Regarding Mr. Grissa's question, a whole package of laws had been enacted to protect and compensate Ukrainians affected by the Chernobyl disaster. Under such laws, evacuees were provided with equivalent accommodation in the new settlement areas. Families which had owned a plot of land were given land of a similar size by the State free of charge. Persons who were no longer able to work received compensation and benefits, and where necessary a pension, subject to medical advice. To be sure, such benefits would be increased if the State budget so allowed.

52. Mrs. JIMENEZ BUTRAGUEÑO asked whether men were obliged to retire at 60 and women at 55.

53. Mr. KASKEVICH (Ukraine) replied that men were entitled, but not forced, to retire at 60 and women at 55. In fact, 2.5 million persons over the retirement age were still working. In the past, the Labour Code had allowed enterprise managers to call for the withdrawal of workers after they had reached retirement age, but that was no longer permissible.

Article 10: Protection of the family, mothers and children
(Issues Nos. 29-34)

54. Mrs. BONOAN-DANDAN said that, according to information available to her, 34,000 children in Ukraine, including children born out of wedlock, children of alcoholics and children abandoned by their mothers, were living in children's institutions. Was that figure correct? She would also like to know the incidence of domestic violence and what measures the Government had

taken to combat it. Apparently, many women did not report crimes of violence in the home and, when they did report them, the authorities often pressured them into dropping their charges. In addition, she wished to know the incidence of violence against children and to have some figures on alcoholism, drug addiction and child prostitution and on the action taken to protect families against those scourges. Lastly, there had recently been reports of young Ukrainian girls practising prostitution in the Philippines. Was the Government aware of that development?

55. Mrs. JIMENEZ BUTRAGUEÑO asked for statistics on all those matters.

56. Mr. KASKEVICH (Ukraine) replied that at present his delegation did not have the relevant data, but it would make inquiries and transmit the information as soon as possible.

57. Mr. NADTOCHIY (Ukraine) said that the figure of 34,000 cited by Mrs. Bonoan-Dandan was close to the actual figure for the number of orphans, who were maintained free of charge in the many State orphanages, family-type children's institutions, and general and special education boarding schools. Efforts were made not to separate siblings. Adoptions were regulated by the Family Code. Inter-State adoption existed, and 500 Ukrainian children had been adopted by foreigners.

58. Mr. ZOZULIA (Ukraine) said that battered wives could claim compensation for bodily injury and moral harm, for which the husband was liable at law. The penalties imposed on parents who involved their children in prostitution were very severe, and the juvenile criminal police did its best to prevent juvenile crime.

59. The CHAIRPERSON, speaking as a member of the Committee, said that he found it hard to believe the assertion in paragraph 31 of Ukraine's replies to the list of issues to the effect that there were no ethnic groups in Ukraine whose customs were against the free consent of women to marriage. Surely the Jews and the Crimean Tatars had preserved their own specific identity?

60. Mr. KASKEVICH (Ukraine) pointed out that over a period of 70 years three generations had lived under the previous social system, under which persons had had only one nationality - the Soviet nationality - and mixed marriages had been extremely common, as they still were today. Under Ukrainian law, marriage had to be voluntary.

61. Mrs. JIMENEZ BUTRAGUEÑO asked whether there had been a revival of religion after the fall of the communist system.

62. Mr. KASKEVICH (Ukraine) replied that people in Ukraine, especially young people, were returning to religion, which had been repressed before. There were now a large number of religious groups in the country.

63. Mrs. VYSOKAJOVA asked whether there were any special arrangements for disabled children.

64. Mr. NADTOCHIY (Ukraine) replied that the State took care of disabled children. Families with a disabled child were allowed to jump the housing queue and were entitled to free medical care and special leave of absence.

Article 11: Right to an adequate standard of living (Issues Nos. 35-39)

65. Mr. CEAUSU noted that, in its reply to issue No. 38, the Ukrainian Government had stated that some 2.5 million families were waiting their turn for improved housing. Yet the Government was also stimulating the birth rate by offering housing advantages to couples who had a third child. Would not an increase in the birth rate make the housing problem even worse?

66. Mr. TEXIER, noting that one effect of the Privatization Act had been a considerable increase in house prices, leaving disadvantaged persons in a difficult situation, asked what steps the Government was taking to keep rents down and to improve the supply of subsidized housing. Again, how much progress had been made in implementing the programme to rehouse the Crimean Tatars who had been expelled and the victims of the Chernobyl disaster, what happened when a tenant could not pay his rent, and what arrangements were made in the case of expropriation?

67. Mr. KASKEVICH (Ukraine), replying to Mr. Ceausu's question, agreed that housing policy affected the birth rate. Families with a third child were entitled to housing on concessionary terms and did not have to wait their turn in the queue. At present the housing situation was changing: there was less State-owned housing, and much depended on the level of local budget resources.

68. With reference to the points raised by Mr. Texier, the right to housing was affirmed in the Constitution but there were considerable differences in the realization of that right. Many people who could not afford to buy their own home had been on a waiting list for State housing for 20 years. The situation was now altering, with income differentials playing a greater part. Some persons had built high-quality housing very quickly. The State had to try to give everyone a chance and it provided subsidized housing, but time would be needed to solve the problems. Young couples were entitled to housing subsidies. Unfortunately, the State did not have enough resources to implement its housing policy in full.

69. Some 15,000 Crimean Tatar families and some 400 ethnic German families were waiting to be housed. There was no intention of stopping the Tatars from returning, but they needed to do so in a planned and orderly manner. In particular, it was important to put an end to unilateral appropriation of land for the building of temporary accommodation. A person could be evicted only if he was deliberately ruining a housing unit. Evictions were extremely rare, and most of them were associated with the collapse of a building or damage following a natural disaster.

70. Many people had high hopes of obtaining housing ahead of their turn in the queue. However, production and the standard of living had fallen, with the result that problems of payment had become more acute. Also, there were people who opposed the reforms. There was no formal agreement between a tenant and the State. Tenants merely moved in. A fine was imposed for the late payment of rent.

The meeting rose at 1.05 p.m.